IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.MC.No. 1043 of 2007()

CC.31/2006 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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PETITIONER:

ROY JACOB,
S/O.M.J.CHALAPPURAM, CHALAPPURAM HOUSE,
PERUMPILLY P.O., MULANTHURUTHY, ERNAKULAM.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

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1. M/S.LORD KRISHNA BANK LTD.,
PAVAKULAM BUILDING, KALOOR, REP.BY ITS
CHIEF MANAGER, A.NANDAKUMAR.

2. M/S PENTANET SYSTEMS (P) LTD.,
3RD FLOOR, PENTA SQUARE, M.G.ROAD,
ERNAKULAM, KOCHI- 682 035,
REP.BY ITS DIRECTOR, BIJU KORAH.

3. BIJU KORAH,
S/O M.V.KORAH, HOUSE NO.33, GREEN VALLEY VILLA,
SKY LINE, VAZHAKKALA, PALARIVATTOM, ERNAKULAM.

4. M.V.THOMAS,
S/O.M.T.VARKEY, MUKKAMCHERRY HOUSE,
VALAYNCHIRANGARA, PERUMBAVOOR P.O.

5. MANOJ NAMBIAR M.K.,
S/O.V.K.B. NAMBIAR, "AISHWARYA",
CHERANELLOOR P.O., KOCHI.

6. M.V.JOSE,
S/O.M.T.VARKEY, MUKKAMCHERRY HOUSE,
VALAYNCHIRANGARA, PERUMBAVOOR P.O.

7. VARKEY KORAH,
S/O.M.T.VARKEY, MUKKAMCHERRY HOUSE,
VALAYANCHIRANGARA, PERUMBAVOOR P.O.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR
SRI.S.R.DAYANANDA PRABHU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1043 OF 2007

Dated this the 25th day of May, 2007

ORDER

The petitioner is the accused in a prosecution under Sec.138 of the N.I. Act initiated by the 1st respondent/ complainant. The petitioner has come to this Court with a prayer that the proceedings against him may be quashed. The short ground is that the petitioner is not having any connection with the drawer company at the relevant point of time.

2. After taking instructions, the learned counsel for the respondent/complainant does not raise any objections to the prayer for quashing of the proceedings against the petitioner. The documents produced indicate that the petitioner had no connection with the accused company at the relevant point of time. In these circumstances, the request on both sides is accepted and this petition is allowed. The prosecution in so

far as it relates to the petitioner herein in C.C.No.31/06 before the Additional Chief Judicial Magistrate's Court (Economic Offence), Ernakulam, is hereby quashed.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge